

**INSTRUCTIONS FOR FILING PETITIONS FOR
JUDICIAL CONSENT TO ABORTIONS
PURSUANT TO A.R.S. §36-2152(B)**

If you are a pregnant minor, are unmarried and live with a parent, A.R.S. §36-2152(B) requires written consent from one of your parents, your guardian, or your conservator for you to obtain an abortion. These instructions will tell you how to petition a superior court judge to authorize an abortion without parental consent and how the Arizona courts will hear and decide your Petition. The proceedings are confidential. No information about you or your Petition will be available to the public. There is no cost to you in seeking a judicial order.

1. Filing the Petition. You must complete the form of Petition attached to these instructions by printing or typing the information needed and file it with a clerk of the superior court (see list of addresses, attached). You may use a fictitious name such as “Jane Doe” or initials such as “J.D.” on the Petition, and you do not need to sign the Petition with your real name. However, you must put your real name and how the clerk can reach you on the Data Sheet. This Data Sheet with your real name will be kept separate from your case file; your true name will be kept confidential as required by the statute.

If you file the Petition in person, you must do so at the office of a clerk of the superior court (see list of addresses). After you file the Petition, the clerk will ask you to wait while the file is opened and a hearing date is scheduled.

If you file the Petition by mail, you must include a copy of the Data Sheet with your contact information so the clerk will know how to reach you. You should call the clerk of the superior court if you do not receive a Notice of Hearing within 48 hours of mailing the Petition.

2. Right to an Attorney. Pursuant to the statute, you have a right to be represented by an attorney at no expense to you. If you want to have a court-appointed attorney, please check the appropriate line on the Petition form. If possible, the clerk will inform you while you are waiting for the file to be opened of the name, address, and phone number of your court-appointed attorney. That attorney will represent you at the hearing and on any further appeal, if required.

3. The Hearing. When you file your Petition, the clerk will notify the assigned judge to arrange for a hearing. You have a right to a hearing and a ruling on your Petition within 48 hours of filing the Petition, excluding weekends and holidays. Before you leave the counter, if possible the clerk will give you a Notice stating the time and date of the hearing. If you mail your Petition to the clerk, or if you file it in person and no judge is available the same day, the clerk will inform you as soon as possible using the means you designate on the

Data Sheet of the date and time of your hearing. Failure to attend the hearing may result in the Petition being denied.

At the hearing, the judge must determine whether you are mature and capable of giving informed consent to the abortion. If you do not claim to be mature, or if the judge finds you are not mature, the judge must determine whether an abortion without consent from one of your parents, a guardian, or a conservator is in your best interests. The judge may ask you questions, and you have the right to introduce evidence at the hearing, concerning both of these determinations.

The judge may decide to appoint a guardian ad litem to recommend to the judge what is in your best interests. There is no expense to you if a guardian ad litem is appointed, and such appointment will not delay the hearing unless you agree to a postponement.

4. The Ruling. Within 48 hours of filing your Petition, excluding weekends and holidays, the judge will issue his or her decision. If the judge finds you are mature and can give informed consent to the abortion, or that an abortion without consent from one of your parents, a guardian, or a conservator is in your best interests, the judge will enter an Order authorizing the abortion. If the judge grants your Petition, the clerk specialist will prepare a certified copy of the Order for you to provide to your doctor.

If the judge denies your Petition, the clerk will provide a copy of the Order to you, on the same day it is issued, using the means you designate on the Data Sheet. You will also receive information about your right to appeal. See ¶¶ 5-7, below.

If you do not receive a ruling within 48 hours of the hearing, you should call or come to the clerk's office. If the judge does not enter a ruling within 48 hours of your filing the Petition, the Petition is considered granted and the clerk specialist will prepare a document entitled Certification of the Clerk for you to provide to your doctor.

5. Appeal Rights. If you are dissatisfied with the ruling, you have a right to an appeal. If you want to appeal, you should do so as soon as possible. A Notice of Appeal must be received by and filed in the superior court clerk's office no later than 15 days after the file-stamped date on the superior court Order or you will lose your right to appeal. If the 15th day falls on a weekend or a date the superior court is closed, the last day to appeal will be the next day the superior court clerk's office is open.

Prepare the Notice of Appeal form as you did the Petition and file it with the superior court clerk. There is no charge for filing an appeal. If you did not ask to be represented by a court-appointed attorney for the superior court hearing and want to be so represented on appeal at no charge to you, check the appropriate line on the Notice of Appeal.

If you deliver your Notice of Appeal in person, the clerk will call and inform the appellate court clerk that an appeal has been filed. The court of appeals will set a hearing on your appeal to be held within 48 hours of filing the appeal form, excluding weekends and holidays. If possible, the superior court clerk will inform you of the location, time and place of that hearing while you wait. If that is not possible, the court of appeals clerk will contact you with that information using the means designated on the Data Sheet. If you mail the Notice of Appeal to the superior court clerk, you must provide contact information so you can be advised of the date and time of the appellate hearing.

The superior court clerk will send you or your attorney a copy of the recording or transcript of the superior court hearing so that you have it prior to any appellate hearing. There is no cost to you for preparing the transcript or for the recording.

6. The Appeal Hearing. The court of appeals will hold the appeal hearing and issue a ruling on your appeal within 48 hours of the filing of your Notice of Appeal, excluding weekends and holidays. You may attend the appeal hearing in person or by telephone. If you indicate on the Notice of Appeal that you will attend the hearing by phone, the court of appeals will call you at the phone number you provide on the date and time indicated on the Notice of Hearing on Appeal. The court of appeals' decision will be provided to you using the means designated on the Data Sheet.

7. Further appellate review. If you are dissatisfied with the court of appeals' decision, you may file a Petition for Review to the Arizona Supreme Court. If you want the supreme court to review the matter, you should file a Petition for Review as soon as possible, but no later than 30 days after the court of appeals' ruling is filed. All of the procedures for filing the Notice of Appeal also apply to the Petition for Review, except the Petition for Review should be filed with the clerk of the court of appeals. A ruling must be issued within 48 hours of the filing of your Petition for Review, excluding weekends and holidays.

SUPERIOR COURTS IN THE STATE OF ARIZONA

Superior Court in Apache County

Sue Hall, Clerk

P.O. Box 365
St. Johns, AZ 85936
Phone: (928) 337-7550
Fax: (928) 337-2771

Superior Court in Cochise County

Denise I. Lundin, Clerk

P.O. Drawer CK
Bisbee, AZ 85603
Phone: (520) 432-8581
Fax: (520) 432-4850

Superior Court in Coconino County

Deborah Young, Clerk

County Courthouse
200 N. San Francisco
Flagstaff, AZ 86001
Phone: (928) 779-6535
Fax: (928) 556-0530

Superior Court in Gila County

Margaret Toot, Clerk

1400 E. Ash
Globe, AZ 85501
Phone: (928) 425-3231, Extension 8560
Fax: (928) 425-7802

Superior Court in Graham County

Darlee Maylen, Clerk

County Courthouse
800 Main St.
Safford, AZ 85546
Phone: (928) 428-3100
Fax: (928) 428-0061

Superior Court in Greenlee County

Cheryl Bowen, Clerk

County Courthouse
P.O. Box 1027 Clifton, AZ 85533
Phone: (928) 865-4242
Fax: (928) 865-5358

Superior Court in La Paz County

Sheri Newman, Clerk

1316 Kofa Ave Ste. 607 Parker, AZ
85344 Phone: (928) 669-6131
Fax: (928) 669-2186

Superior Court in Maricopa County

Michael K. Jeanes, Clerk

Juvenile Court Center (Durango)

3125 W. Durango
Phoenix, AZ 85009
Phone: (602) 506-4041
Fax: (602) 506-4124

South East Facility

Melody Tinsley, Administrator, Juvenile
Division

222 E Javelina Ave.
Mesa, AZ 85210
Phone: (602) 506-4494
Fax: (602) 506-2852

Superior Court in Mohave County

Virlynn Tinnell, Clerk

P.O. Box 7000

Kingman, AZ 86402-7000

Phone: (928) 753-0713

Fax: (928) 753-0713, #4037

Superior Court in Navajo County

Juanita Mann, Clerk

County Courthouse

P.O. Box 668

Holbrook, AZ 86025

Phone: (928) 524-4188

Fax: (928) 524-4261

Superior Court in Pima County

Patricia Noland, Clerk

110 W. Congress, First Floor

Tucson, AZ 85701

Phone: (520) 740-3201

Fax: (520) 798-3531

Superior Court in Pinal County

Kristi Youtsey-Ruiz, Clerk

P.O. Box 2730

Florence, AZ 85232-2730

Phone: (520) 868-6296

Fax: (520) 868-6252

Superior Court in Santa Cruz County

Delfina E. Bauch, Clerk

Santa Cruz County Complex

2150 N. Congress Drive

Nogales, AZ 85621

Phone: (520) 375-7700

Fax: (520) 761-7857

Superior Court in Yavapai County

Jeanne Hicks, Clerk

County Courthouse

Prescott, AZ 86301

Phone: (928) 771-3312

Fax: (928) 771-3111

Superior Court in Yuma County

Beverly Frame, Clerk

County Courthouse

168 S. 2nd Avenue, Suite B

Yuma, AZ 85364

Phone: (928) 329-2164

Fax: (928) 329-2007